

Ordinance No. 122247

Council Bill No. 115737

AN ORDINANCE relating to the central waterfront, declaring that an aerial highway along the central waterfront is discouraged by adopted City of Seattle ("City") policies, stating that construction of an aerial highway structure is inconsistent with current use and height regulations, and stating the City's intent to amend existing regulations and policies to further clarify that an aerial highway structure in the central waterfront area is inconsistent with the City's Comprehensive Plan.

CF No. \_\_\_\_\_

Date Introduced:	SEP 18 2006	
Date 1st Referred:	To: (committee)	<del>Committee</del> <i>Committee on the Whole</i>
Date Re - Referred:	To: (committee)	
Date Re - Referred:	To: (committee)	
Date of Final Passage:	Full Council Vote:	
9/22/06	7-1	
Date Presented to Mayor:	Date Approved:	
9/25/06	9.28.06	
Date Returned to City Clerk:	Date Published:	T.O. <input checked="" type="checkbox"/> F.T. <input type="checkbox"/>
9.29.06	5	
Date Vetoe by Mayor:	Date Vet. Published:	
Date Passed Over Veto:	Veto Sustained:	

The City of Seattle - Legislative Department  
Council Bill/Ordinance sponsored by:

Committee

9/22/06-COW PASS <sup>[7-1]</sup> 8-0 (Det  
CNAy-

This file is complete and ready for presentation to Full Council

Law Dept. Review

OMP  
Review

City Clerk  
Review

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: \_\_\_\_\_

STEINBRUECK

Councilmember

Committee Action:

9/22/00-COW PASS <sup>27-13</sup> 8-10 (Della-Excused)  
(Nay-Licita)

This file is complete and ready for presentation to Full Council.

Committee: \_\_\_\_\_

(Initial/Date)

28-06

T.O. ☒  
F.T. ☐

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ORDINANCE 122247

AN ORDINANCE relating to the central waterfront, declaring that an aerial highway along the central waterfront is discouraged by adopted City of Seattle ("City") policies, stating that construction of an aerial highway structure is inconsistent with current use and height regulations, and stating the City's intent to amend existing regulations and policies to further clarify that an aerial highway structure in the central waterfront area is inconsistent with the City's Comprehensive Plan.

WHEREAS, the 1950's era Alaskan Way Viaduct ("Viaduct") has separated downtown Seattle from its central waterfront for more than 50 years; and

WHEREAS, the Viaduct is a deteriorating structure that was significantly damaged in the Nisqually Earthquake of 2001; and

WHEREAS, the State legislature has declared that Highway 99 is a highway of statewide significance, and declared that highways of statewide significance are essential public facilities under the Growth Management Act; and

WHEREAS, pursuant to RCW 36.70A.103, state agencies are required to comply with local comprehensive plans and development regulations; and

WHEREAS, the City does not intend to preclude the siting of a replacement facility for Highway 99 along the central waterfront; and

WHEREAS, replacement of the Viaduct is a decision that will impact the City of Seattle ("City") for up to 100 years and will profoundly affect the region's transportation network and the future enjoyment of the waterfront by residents of Seattle and the region; and

WHEREAS, the replacement of the Viaduct is an opportunity to reconnect Seattle to its central waterfront and remove a structure that casts a blighting shadow and noise on Seattle's downtown; and

WHEREAS, building another double-decker aerial highway on the central waterfront is not desirable as it would continue pollution, noise and shadowing, all of which degrade the public enjoyment of the waterfront, and would be inconsistent with the Waterfront Concept planning process that has been ongoing for the last several years; and

WHEREAS, the Waterfront Concept Plan represents the City's vision to reclaim the waterfront and reconnect it with downtown Seattle and is the result of the City's waterfront planning process, which has been a broad-based planning process including many and diverse

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interests, including state agencies; and

WHEREAS, the Waterfront Concept Plan calls for developing a new 'Front Porch' to the City that welcomes all, celebrates our diverse culture and heritage, defines the City in terms of its unique location within an incredible natural setting, and creates additional opportunities for economic growth for the City and the region; and

WHEREAS, the opportunities identified in the Waterfront Concept Plan may only be realized if there is no aerial highway separating the central waterfront from the downtown; and

WHEREAS, building another double-decker aerial highway would conflict with the Comprehensive Plan's goals of making downtown neighborhoods more attractive as places to live and more attractive and efficient for use by pedestrians, bicyclists and transit; and

WHEREAS, building another double-decker aerial highway on the central waterfront would conflict with numerous adopted City Comprehensive Plan and Seattle Shoreline Master Plan policies and implementing regulations, including shoreline environment height limits; and

WHEREAS, building a new aerial highway along the central waterfront would require numerous changes to existing policies and regulations; and

WHEREAS, the City Council's Urban Planning and Development Committee introduced Comprehensive Plan Amendments on September 14, 2006 that will further make clear that aerial highway structures along the central waterfront would not be consistent with the City's Comprehensive Plan; NOW, THEREFORE,

**BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

Section 1. The City declares the central waterfront, defined as the area between Union Street and King Street, as the centerpiece of the Waterfront Concept Plan.

Section 2. The City declares that an aerial highway structure would be contrary to the goals and objectives of the Waterfront Concept Plan, and to the following adopted City policies, including Comprehensive Plan policies approved pursuant to the State Growth Management Act, the State approved Seattle Shoreline Master Plan and the following related implementing

regulations (Full Text of Comprehensive Plan Goals and Policies, and Land Use Code

Regulations included in Attachment 1):

- Urban Form Goal for Downtown, Comprehensive Plan Downtown Goal DT-G4;
- Desired Function of Downtown Harborfront 1, Downtown Harborfront 2 and, Downtown Policy DT-LUP4;
- Designation of Downtown View Corridors, Downtown Policy DT-UDP8;
- Preservation of views, particularly views related to shoreline areas, and public views of mountains, major bodies of water, and the downtown skyline, Policy LU48;
- Provision of physical and visual shoreline access, Goals LUG44;
- Preservation and enhancement of views of the shoreline and water from upland areas, Goal LUG45;
- Development of a transportation network that supports and enhances use of and access to the shorelines, Goal LUG46;
- Relocation of transportation facilities that are functionally or aesthetically disruptive to the shoreline, Goal LUG47;
- Preservation of views of Elliott Bay, Area Objectives for Shorelines of Statewide Significance: Harborfront (Central Waterfront), Policy LU269[1]c;
- Shoreline height limits, Policy LU270;
- Height limits in the Urban Harborfront Environment, SMC Section 23.60.692;
- Height limits in the Urban Industrial Environment, SMC Section 23.60.872;



- Restrictions on rebuilding nonconforming structures in the Shoreline District, SMC

Section 23.60.124.

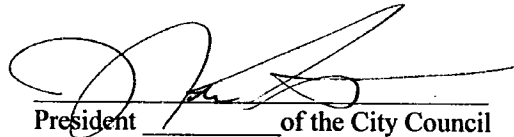
Section 3. The City also declares its intent to amend existing Comprehensive Plan policies and implementing regulations to further clarify that an aerial highway structure in the central waterfront area is inconsistent with the City's Comprehensive Plan.

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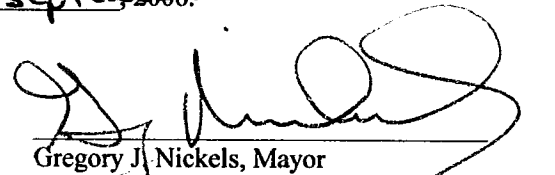


1 Section 4. This ordinance shall take effect and be in force thirty (30) days from and after  
2 its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days  
3 after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

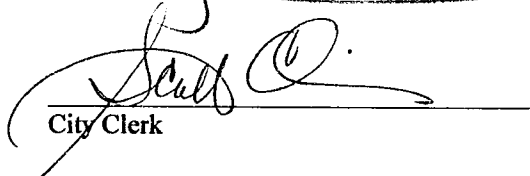
4 Passed by the City Council the 22 day of September, 2006, and signed by me in open  
5 session in authentication of its passage this 22 day of September, 2006.  
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9 President \_\_\_\_\_ of the City Council

10 Approved by me this 28<sup>th</sup> day of September, 2006.  
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13 Gregory J. Nickels, Mayor  
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15 Filed by me this 29<sup>th</sup> day of Sept, 2006.  
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17   
18 City Clerk  
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20 (Seal)  
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24 Attachment 1 – Full Text of Comprehensive Plan Goals and Policies, and Land Use Code  
25 Regulations cited in Section 2.  
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**Attachment 1: Full Text of Comprehensive Plan Goals and Policies, and Land Use Code Regulations cited in Section 2.**

**Seattle Comprehensive Plan Goals and Policies**

**DT-G4** Use regulations in the Land Use Code and other measures to encourage public and private development that contributes positively to the downtown physical environment by:

1. enhancing the relationship of downtown to its spectacular setting of water, hills and mountains;
2. preserving important public views;
3. ensuring light and air at street level and in public parks;
4. establishing a high quality pedestrian oriented street environment;
5. reinforcing the vitality and special character of downtown's many parts;
6. creating new downtown parks and open spaces at strategic locations;
7. preserving downtown's important historic buildings to provide a tangible link to the past;
8. adequately mitigating impacts of more intensive redevelopment on the quality of the physical environment.

**DT-LUP4** Use downtown land use district classifications to specify intended function of an area and guide future development and change. Recognize certain areas characterized by a specific activity and intensity of development, such as the office and retail cores, and consider the factors critical to the success of that activity, such as access to transportation, topographic conditions, or the presence of a particular amenity.

Where it is desirable to protect or promote a specific function, encourage uses at an appropriate intensity that are related to or compatible with that function, and restrict or discourage conflicting uses. Recognize the following desired functions for the different land use districts:

**DOWNTOWN HARBORFRONT-1 & SHORELINE ENVIRONMENT (DH-1)**

Waterfront lots and adjacent harbor areas within the Urban Harborfront Shoreline Environment established in the Seattle Shorelines Master Program. The DH-1 land use district, in conjunction with the Seattle Shorelines Master Program, is intended to:

- encourage economically viable marine uses to meet the needs of waterborne commerce;
- facilitate the revitalization of downtown's waterfront;
- provide opportunities for public access and recreational enjoyment of the shoreline;
- preserve and enhance elements of historic and cultural significance;
- preserve views of Elliott Bay and the land forms beyond;
- promote the preservation and rehabilitation of groupings of piers having an identifiable historic maritime character within the Historic Character Area; and
- allow flexibility in appropriate development standards as an incentive to include a significant water dependent use on waterfront lots to encourage the retention and development of water dependent uses in the downtown harborfront consistent with the Seattle Shoreline Master Program.





## **DOWNTOWN HARBORFRONT-2 (DH-2)**

Areas partially within a shoreline environment where development potential offers the opportunity to enhance public access to and enjoyment of the waterfront. The DH-2 land use district is intended to:

- allow a mix of uses to facilitate the objectives of public access, enjoyment and recreation;
- include use and bulk regulations to carry out shorelines goals and preserve views of the water as appropriate for areas partially within a shorelines environment,
- favor a diversity of uses and buildings of small scale; and
- address public open space as a priority in this area through incentives for open space integrated with other public access improvements.

**DT-UDP8** Designate as view corridors street segments providing street level views of important natural features, which may include views to Elliott Bay, West Seattle, Mount Rainier and the Olympic Mountains. Protect view corridors through regulations controlling actions within the public right-of-way, as well as through reasonable development standards for abutting property, consistent with Policy UD 9: View Corridor Setbacks. Consider impacts on designated view corridors in the evaluations of street vacations and encroachments.

**LU48** Seek to preserve views through:

- land use regulations that address view impacts with height, bulk, scale, view corridor and design review provisions;
- zoning policy that considers the effect of zone designations on views, with special emphasis on protection of views related to shoreline areas; and
- application of adopted environmental policy to protect public views, including views of mountains, major bodies of water, designated landmarks and the Downtown skyline, in review of development projects.

**LUG44** Provide for the optimum amount of public access—both physical and visual—to the shorelines of Seattle.

**LUG45** Preserve and enhance views of the shoreline and water from upland areas where appropriate.

**LUG46** Develop a transportation network that supports and enhances use of and access to the shorelines.

**LUG47** Relocate transportation facilities that are functionally or aesthetically disruptive to the shoreline.

**LU269** The area objectives for Seattle Shorelines illustrated in Land Use Figure 1 are as follows:

### **1. Area Objectives For Shorelines Of Statewide Significance**

\* \* \*



**c. Harborfront (Central Waterfront)**

(The Harborfront area is the shoreline area from Bay Street on the north to S. Jackson Street on the south.)

- Encourage economically viable marine uses to meet the needs of waterborne commerce.
- Facilitate the revitalization of downtown's waterfront.
- Provide opportunities for public access and recreational enjoyment of the shoreline.
- Preserve and enhance elements of historic and cultural significance.
- Preserve views of Elliott Bay and the land forms beyond.

**LU270** The 35-foot height limit of the Shoreline Management Act shall be the standard for maximum height in the Seattle Shoreline District. Exceptions in the development standards of a shoreline environment may be made consistent with the Act and with the underlying zoning where:

- a. a greater height will not obstruct views of a substantial number of residences and the public interest will be served; and
- b. greater height is necessary for bridges or the operational needs of water dependent or water-related uses or manufacturing uses; or
- c. a reduced height is warranted because of the underlying residential zone; or
- d. a reduced height is warranted because public views or the views of a substantial number of residences could be blocked.

**Seattle Land Use Code Regulations**

**SMC 23.60.692 Height in the UH Environment.**

A. Waterfront Lots. The maximum height in the UH Environment shall be forty-five (45) feet except in the Historic Character Area where the maximum height shall be fifty (50) feet tall as measured from Alaskan Way, except as modified by subsection C below.

\* \* \*

**SMC 23.60.872 Height in the UI Environment.**

A. Maximum Height. The maximum height shall be thirty-five (35) feet, except as modified by subsections B through D of this section.

\* \* \*

**SMC 23.60.124 Nonconforming structures.**

A. A nonconforming structure may be maintained, renovated, repaired or structurally altered but shall be prohibited from expanding or extending in any manner which increases the extent of nonconformity, or creates additional nonconformity, except as otherwise required by law, as necessary to improve access for the elderly and disabled or to provide regulated public access. When the development is nonconforming as to lot



coverage, existing lot coverage may not be transferred from the dry-land portion of the site to the water.

B. A nonconforming structure or development which is destroyed by fire or other act of nature, including normal deterioration of structures constructed in or over the water, may be rebuilt to the same or smaller configuration existing immediately prior to the time the structure was destroyed; provided that action toward replacement must be commenced within twelve (12) months after demolition or destruction of a structure in the CN, CP, CR, CM, CW, UR, UH and US Environments or within twenty-four (24) months after demolition or destruction of a structure in the UM, UG, or UI Environments. A rebuilt nonconforming structure housing a nonconforming eating and drinking establishment use in an Urban Stable environment may consolidate other existing nonconforming structures on the property, provided that no increase in height or cumulative expansion of the area of nonconforming structures and no increase in overwater coverage occurs, and provided that the Director finds that the reconfiguration will allow removal of other nonconforming structures, resulting in improved view corridors or regulated public access.

\* \* \*



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**FISCAL NOTE FOR NON-CAPITAL PROJECTS**

Department:	Contact Person/Phone:	DOF Analyst/Phone:
Legislative	Scott MacColl 4-5382	

**Legislation Title:**

AN ORDINANCE relating to the central waterfront, declaring that an aerial highway along the central waterfront is discouraged by adopted City of Seattle ("City") policies, stating that construction of an aerial highway structure is inconsistent with current use and height regulations, and stating the City's intent to amend existing regulations and policies to further clarify that an aerial highway structure in the central waterfront area is inconsistent with the City's Comprehensive Plan.

• **Summary of the Legislation:**

This Ordinance declares that an aerial highway along the central waterfront is discouraged by the City, states that construction of an aerial highway is inconsistent with current use and height regulations and is in conflict with the Comprehensive Plan and the goals and objectives of the Waterfront Concept Plan. The ordinance also states the City's intent to amend existing Comprehensive Plan policies to further clarify that point.

- **Background:** *(Include brief description of the purpose and context of legislation and include record of previous legislation and funding history, if applicable):*

The City must decide on a preferred alternative between a tunnel and an aerial structure to replace the existing Alaskan Way Viaduct. This ordinance clearly states the City's position that an aerial highway along the central waterfront is inconsistent with current codes and regulations.

- *Please check one of the following:*

X **This legislation does not have any financial implications.** *(Stop here and delete the remainder of this document prior to saving and printing.)*

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122247

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**STATE OF WASHINGTON - KING COUNTY**

--SS.

203106  
CITY OF SEATTLE, CLERKS OFFICE

No. TITLE ONLY

**Affidavit of Publication**

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12<sup>th</sup> day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:122246 & 122247


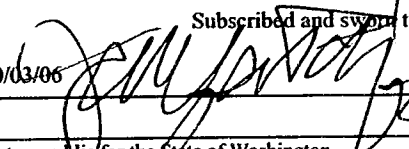
was published on

10/03/06

The amount of the fee charged for the foregoing publication is the sum of \$ 41.40, which amount has been paid in full.



Affidavit of Publication

  
\_\_\_\_\_  
Subscribed and sworn to before me on  
10/03/06   
\_\_\_\_\_  
Notary public for the State of Washington,  
residing in Seattle

## State of Washington, King County

### City of Seattle

#### TITLE-ONLY PUBLICATION

The full text of the following ordinances, passed by the City Council on September 22, 2006, and published here by title only, will be mailed upon request, or can be accessed electronically at <http://clerk.ci.seattle.wa.us>. For further information, contact the Seattle City Clerk at 684-8344.

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#### ORDINANCE NO. 122248

AN ORDINANCE adopting the tunnel alternative as the City of Seattle's preferred alternative for replacement of the Alaskan Way Viaduct and Seattle Seawall.

Publication ordered by JUDITH PIPPIN,  
City Clerk

Date of publication in the Seattle Daily  
Journal of Commerce, October 3, 2006.

10/3/2006 10:00

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